

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 99-499)

RECEIVED

In the Application of:)
 Franzine Smith et al.)
 Serial No.: 08/903,944)
 Patent No.: 7,119,262)
 Filing Date: July 31, 1997)
 Issue Date: October 10, 2006)
 For: Production of Transgenic Poinsettia)

Examiner: David T. Fox
 Group Art Unit: 1638
 Confirmation No.: 3007

02/28/2011 CKHLOK 00000015 132490 7119262
 01 FC:1559 490.00 DA

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

JAN 18 2011

OFFICE OF PETITIONS

NOTIFICATION OF CHANGE OF STATUS FROM SMALL
 TO LARGE ENTITY AND PAYMENT OF ADDITIONAL FEES DUE

Sir or Madam:

On July 31, 1997 the above-referenced patent application was filed claiming small entity status, and small entity fees were paid throughout the prosecution of this application. In addition, the issue fee was paid on September 6, 2006 as small entity. Subsequent to filing of the application but before payment of the issue fee this application lost entitlement to small entity status. Accordingly, large entity fees should have been paid for the issue fee. The failure to do so was inadvertent and done without deceptive intent. Notice is hereby given under 37 C.F.R. § 1.27(g)(2) that small entity status is no longer claimed by the applicant. Itemization and calculation of the deficiencies in payment in accordance with 37 C.F.R. 1.28(c)(2) is presented below:

Fee Type	Amount Paid	Date Paid	Current Fee	Difference
Issue Fee	\$700.00	09.06.06	\$1510.00	\$810.00
Total:	\$700.00		\$1510.00	\$810.00

CERTIFICATE OF TRANSMISSION (37 C.F.R. 1.10) Adjustment date: 02/28/2011 CKHLOK
 I hereby certify that this correspondence is being transmitted to the USPTO via the USPTO EFS on March 3, 2010. 00000009 132490
 Date: March 3, 2010 01 FC:1559 490.00 DA CR
Michael S. Greenfield
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Jan-05-2011 15:15

From:McDONNELL BOEHNEN HUBERT & BERGHOFF

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AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

OFFICE OF PETITIONS

Commissioner for Patents
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01/13/2011 DALLEN 00000009 132490 7119262
01 FC:1599 490.00 DA

Dear Ms. Allen:

This letter authorizes the United States Patent & Trademark Office to charge additional fees due in the amount of \$490.00 for the underpayment of the 3.5 year maintenance fee paid as a small entity relating to this application to Deposit Account No. 13-2490. I have attached the Notice of Change of Status to Large Entity (37 C.F.R. § 1.27) that was faxed to the Maintenance Fee Branch on December 30, 2010.

This letter also authorizes the United States Patent & Trademark Office to charge additional fees due in the amount of \$810.00 for the underpayment of the Issue Fee relating to this application to Deposit Account No. 13-2490. I have attached the Notification of Change of Status from Small to Large Entity and Payment of Additional Fees Due that was transmitted via the USPTO EFS on March 3, 2010.

Neither of these fees has yet been charged to our deposit account.

Respectfully submitted,

McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP

Date: January 5, 2011

By: 

Michael S. Greenfield
Registration No. 37,142

01/13/2011 DALLEN 00000010 132490 08903944

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Adjustment date: 02/28/2011 CKHLOK
01/13/2011 DALLEN 00000010 132490 08903944
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02/28/2011 CKHLOK 00000016 132490 08903944
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McDonnell Boehnen Hulbert & Berghoff LLP

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January 5, 2011